

### REMARKS

The present response is intended to be fully responsive to the Notice of Non-compliance and the rejection outlined in the Office action mailed March 13, 2008. This response is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-15 are pending and rejected. Applicants amend claims 1-15 and add claims 16-20. Applicants have not introduced any new matter by way of the foregoing amendments or new claims. Applicants have corrected the anomalies outlined in the Notice of Non-compliance.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103, and that all pending claims comply with the provisions of 35 U.S.C. § 112. Thus, Applicants believe that all of these claims are now in condition for allowance.

### OBJECTION

The Office objected to the BRIF DESCRIPTION OF THE DRAWINGS section of the specification. Applicants thank the Office for pointing out the anomalies in the Specifications. Accordingly, Applicants amend the specification in the manner presented in the "**AMENDMENTS TO THE SPECIFICATIONS**" section of this paper.

Furthermore, the Office indicated that claims 7-10 are objected to for reciting an "article of claim 6" when claim 6 recites a system. Claims 7-10 have been amended to recite a "a time management apparatus of claim 6," thus, remedying the objection. Applicants respectfully request reconsideration and withdrawal of the objection to claim 7-10.

### REJECTION

The Office rejected claims 4-5, 9-10 and 14-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office also

rejected claims 1-2, 6-7 and 11-12 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,601,432 issued to Bergman et al. (Hereon after "*Bergman*"). Moreover, the Office rejected claims 3-5, 8-10, and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,601,432 issued to Bergman et al. (Hereon after "*Bergman*") in view of U.S. Patent Publication No. 2003/0124493 issued to Kulack et al. (Hereon after "*Kulack*"). The Applicants respectfully traverse the rejections.

**A. Applicant's Response to the 35 U.S.C. § 112 Rejection of claims 4-5, 9-10 and 14-15**

The Office rejected claims 4-5, 9-10 and 14-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, 9 and 14, the Office indicated that the term "a calendar time management application" is unclear. More specifically, the Office indicated that "it is unclear how 'as assignment due list' fits in as a task." *Office Action*, at page 3. The Applicants amends claims 4, 9 and 14 to recite "a calendar of the time management application." Therefore, Applicants submit that claims 4, 9 and 14, as amended, make clear of how the calendar relates to the time management application, and, thus, to the "assignment due list". Applicants request reconsideration and withdrawal of the 35 U.S.C. § 112 to claims 4, 9 and 14.

Regarding claims 5, 10 and 15, the Office indicated that "there is insufficient antecedent basis for the [calendar of the time management application]." Applicants thank the Office for pointing out such an anomaly. Claims 5, 10 and 15 have been amended to depend from claims 4, 9 and 14, respectively, which specifically recites "a calendar of the time management application". Accordingly, Applicants respectfully request consideration and withdrawal of the 35 U.S.C. § 112 to amended claims 5, 9 and 15.

Therefore, the Applicants submit that amended claims 4-5, 9-10 and 14-15 comply with the provisions of 35 U.S.C. § 112, second paragraph.

**B. Applicant's Response to the 35 U.S.C. § 102(b) Rejection of claims 1-2, 6-7, and 11-12**

The Office rejected claims 1-2, 6-7, and 11-12 under 35 U.S.C. § 102(b) as

being unpatentable over *Bergman*. The Applicants traverse the rejection.

As the Examiner is aware, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinen Fabrick GmbH v. American Hoist Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) [emphasis added]. Applicant submits that the cited reference is devoid from disclosing at least one element recited in Applicant recited invention.

In the Office Action, the Office insinuated that *Bergman* discloses all the elements recited in claim 1. In support of the rejection, the Office insinuated that *Bergman* discloses all the elements recited in claim 1 in col.6, lines 10-34, col 4, lines 44-52 and in Fig. 4, 6, 7B-E. Applicants respectfully disagree.

Applicants amend claim 1. Amended claim 1 recites a combination of elements directed to a time management method. The combination of elements includes "coupling at least one potion of a file to a task in a task management application, wherein the at least one portion of the file relates to the task to which it is coupled to." [Emphasis Added]

*Bergman*, on the other hand, discloses a compensation assistive device for students with cognitive impairment. *Bergman*, at Abstract. *Bergman* discloses a "graphical user interface to permit the student to use only simple responses...that normally would require a student to 'select, drag and drop an icon, template, etc...." *Id.*, col. 6 lines 10-34.

Therefore, *Bergman* discloses a device for cognitive impaired students the ability "to use simple responses." Therefore, unlike claim 1, *Bergman* does not teach or disclose a "coupling at least one potion of a file to a task in a task management application, wherein the at least one portion of the file relates to the task to which it is coupled to." Thus, Applicants submit that *Bergman* does not teach all the elements recited in claim 1. The Applicants submit that *Bergman* does not anticipate claim 1. Hence, Claim 1, in view of *Bergman*, satisfies the requirements of 35 U.S.C. § 102(b) and is in condition for allowance.

Claims 6 and 11 recite similar features as those recited in claim 1. In light of the foregoing, the Applicants further submit that *Bergman* does not teach all the elements recited in claims 6 and 11. Consequently, the Applicants submit that *Bergman* does not anticipate claims 6 and 11. Hence, claims 6 and 11 satisfy the requirements of 35 U.S.C. § 102(b) and are in condition for allowance.

Claims 2-5, 7-10 and 12-15 depend directly from claims 1, 6 or 11, and necessarily contain each and every element recited in their respective claim. Since the Applicants submit that *Bergman* does not anticipate claims 1, 6 and 11, the Applicants further submit that *Bergman* also does not anticipate claims 2-5, 7-10 and 12-15. Hence, claims 1-15 satisfy the requirements of 35 U.S.C. § 102(b) and are in condition for allowance.

**C. Applicant's Response to the 35 U.S.C. § 103(a) Rejection of claims 3-5, 8-10, and 13-15**

The Office rejected claims 3-5, 8-10, and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over *Bergman* in view of *Kulack*. The Applicants traverse the rejection.

As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, as the Office is also aware, the courts have repeatedly stated that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

For brevity, the Applicants incorporate by reference, into the instant section, all of the arguments/distinctions presented above regarding the patentability of Applicants' claims over *Bergman*. The Applicants note that claims 2-5 depend from independent claim 1, claims 7-10 dependent from independent claim 6 and claims 12-15 dependent from independent claim 11. Since the Applicants submit that *Bergman* does not deem claims 1, 6 and 11 unpatentable, the Applicants further submit that *Bergman* also does not deem claims 2-5, 7-10 and 12-15 unpatentable.

The Applicants note that the Office cited *Bergman* for the proposition that it

teaches all of the elements of independent claims 1, 6 and 11, from which the dependent claims 2-5, 6-10, and 12-15 ultimately depend. The Applicants also note that the Office only cited *Kulack* with respect to the subject matter claimed in the dependent claims 2-5, 7-10, and 12-15.

Given that each of the dependent claims 2-5, 7-10, and 12-15 depend, directly or indirectly, from either independent claim 1, 6 or 11, each necessarily includes all the elements of their respective independent claim. Since *Bergman* does not teach all the elements of the independent claims 1, 6 and 11 and since the Office only cited *Kulack* with respect to the subject matter claimed in the dependent claims 2-5, 7-10, and 12-15, the Applicants, therefore, submit that *Bergman* and *Kulack*, alone and in combination, do not teach all the elements or render claims 1, 6 and 11 obvious. Thus, the Applicants further submit that *Bergman* and *Kulack*, alone and in combination, do not render each of the dependent claims 2-5, 7-10, and 12-15, depending from either claim 1, 6 or 11, obvious under 35 U.S.C. §103(a).

Accordingly, it is Applicant's opinion that *Bergman* and *Kulack*, alone and in combination, do not suggest or show a motivation for modifying the reference or to combine the reference teachings. In addition, it is Applicant's opinion that there is no evidence in any of the prior art that shows a "reasonable expectation of success" in combining the references. Thus, it is Applicant's belief that a prima facie case of obviousness has not been provided.

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-5, 8-10, and 13-15.

### **CONCLUSION**

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipated under 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. In addition, the Applicants submit that all of the claims presently in the application comply with 35 U.S.C. §112. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-4363 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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